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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,517	02/12/2007	Martin Paul Friedrich Kramer	1171/44460/164-PCT-US	1187
279 7590 03/05/2009 TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603				
EXAMINER CAMPBELL, THOR S				
ART UNIT 3742		PAPER NUMBER		
MAIL DATE 03/05/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,517

Applicant(s)KRAMER, MARTIN PAUL
FRIEDRICH**Examiner**

/Thor S. Campbell/

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/29/06, 7/08/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thudor et al. (US 7111624) in view of Suhr (US 415237).

Thudor discloses:

In reference to claim 1.

A water chamber adapted for use in conjunction with a heater base and having at least one horizontally oriented gases port in a wall thereof comprising an elongate flow tube extending into said water chamber from the inner periphery of said at least one gases port with an opening at a distal end of said flow tube being spaced from the wall of said chamber.

Thudor does not disclose the opening facing a direction transverse to an axis of said tube.

However shows the path of the gas as intended to turn transverse to the inlet. This constitutes applicant's improvement over the admitted prior art.

Suhr discloses a humidifier having an elongate inlet tube wherein the opening is transverse to the elongate tube. It would have been obvious to modify Dickenson to point the inlet gas downward to enhance circulation within the vessel as suggested by Suhr.

In reference to claim 2. Tudor discloses

A water chamber as claimed in claim 1, wherein said chamber includes an inlet gases port and an outlet gases port, both said inlet gases port and said outlet gases port including a said elongate flow tube.

Thudor disclose inlet and outlet ports as claimed by applicant through the side wall.

In reference to claim 3.

A water chamber as claimed in claim 2, wherein said chamber further includes a baffle between said opening of said inlet gases port tube and said opening of said outlet gases port tube. Shown by Suhr. Baffles between inlet and outlet of fluid heaters is known to prevent untreated inlet fluid from directly exiting and is therefore obvious improvement to Thudor.

In reference to claim 4.

A water chamber as claimed in claim 3, wherein said baffle extends from the roof of said chamber and terminates below the surface of water in said chamber when said chamber is filled to a maximum intended water level for use. Extending the baffle below the water line is obvious since Baffles between inlet and outlet of fluid heaters is known to prevent untreated inlet fluid from directly exiting, by extending below, one further assures the inlet gas will not exit before being treated.

In reference to claim 5 and 6.

A water chamber as claimed in claim 1, wherein said inlet gases port and said outlet gases port includes a said elongate flow tube having an opening facing a direction transverse to an axis of said tube, said opening of said inlet flow tube and said opening of said outlet flow tube not facing downwards or upwards. It is noted that a rearrangement of the exit

position of the inlet port and also the inlet of the outlet port, would be within the level of one of ordinary skill conducting routine experimentation to attain the best results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Thor S. Campbell/ whose telephone number is 571-272-4776. The examiner can normally be reached on Mon-Fri 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thor S. Campbell/
Primary Examiner
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